

**TO:** Executive Committee of the Board of Trustees

Cherie Butts, chair  
Ruthanne Russell, vice chair  
Rob Lutts  
Paul Mattera

**FROM:** John D. Keenan, President



**SUBJECT:** Committee Agenda for Wednesday, November 9, 2022 at 6:00 pm (as revised 11/7)

**DATE:** November 7, 2022

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The Executive Committee of the Board of Trustees will meet at 6:00 pm on Wednesday, November 9, 2022. The meeting will be remote in compliance with An Act Relative to Extending Certain State of Emergency Accommodations, which, among other things, extends the expiration of the provisions pertaining to the Open Meeting Law to March 31, 2023.

**AGENDA**

- I. Motion relative to State Endowment Incentive Procedures (attached)
- II. Delegation of Authority regarding non-Tenured Faculty Termination (attached)

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REQUEST FOR TRUSTEE ACTION

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**Date:** October 28, 2022  
**To:** Board of Trustees  
**From:** President John D. Keenan  
**CC:** Cheryl W. Crouse, Vice President of Advancement and Executive Director, Salem State University Foundation, Inc.  
**Subject:** Public Higher Education Endowment Incentive Procedures  
**Requested Action:** Approval

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The Endowment Incentive Program (“Program”) was originally authorized in FY1996 and expired at the end of FY2001. The Program was reestablished in FY2021 and in FY2022, legislation was passed allocating the use of ARPA funds for the Program. The Program incentivizes private donations to public universities and colleges by matching \$1 for every \$2 raised through private fundraising.

The FY2023 GAA Budget created a new line item (7066-0115) that allocated an additional \$20 million to be made available in FY2023 as follows: University of Massachusetts, \$10 million; State Universities, \$5 million; and Community Colleges, \$5 million.

Gifts that have been made to the Salem State University Foundation, Inc., in accordance with Case Reporting Standards and Management Guidelines for Educational Fundraising are eligible for the Program. Salem State University Foundation, Inc., is ready to secure full funds of \$555,555.

MGL. c. 15A §15E and the Massachusetts Board of Higher Education guidelines (BHE 22-50) require that the Program be administered by each university’s foundation pursuant to M.G.L. c. 15A, § 37 and in accordance with procedures adopted by its local Board of Trustees pertaining to certification of actual amounts raised and safeguards for the anonymity of donors.

Therefore, this motion authorizes the president and/or his designee to determine the procedures for the administration of the Program, which shall include the method for certification to the house and senate committee on ways and means of the actual amount received in private contributions to the endowment in each fiscal year and to include safeguards for protecting the anonymity of donors who indicate their desire not to be identified. This motion is substantially like the motion recently approved for FY2021 matching funds.

**MOTION**

That the Board of Trustees of Salem State University hereby approves endowment certification procedures pursuant to the requirements of the Massachusetts Board of Higher Education guidelines (BHE 22-50, as amended), as follows: the President or his/her designee will periodically review private contributions recorded by the Salem State University Foundation, Inc., and certify to the Department of Higher Education for conveying to the House and Senate Committee on Ways and Means the actual amount received in private contributions in keeping with eligibility criteria, and will implement all necessary safeguards for protecting the anonymity of donors who indicate their desire not to be identified. The allocation of all matching funds from the Commonwealth shall be subject to prior approval by the president

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Committee Assigned:

Committee Action:

Date of Action:

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Trustee Action:

Trustee Approval Date:

Effective Date:

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Signed: \_\_\_\_\_

Title: Secretary of the Board of Trustees

Date: \_\_\_\_\_

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REQUEST FOR TRUSTEE ACTION

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**Date:** November 9, 2022  
**To:** Board of Trustees Executive Committee  
**From:** President John D. Keenan  
**CC:** Rita P. Colucci, Vice President and General Counsel  
**Subject:** Delegation of Authority Regarding Non-Tenured Faculty Terminations  
**Requested Action:** Approval

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The motion before you seeks approval to delegate to the president the authority to act on the board's behalf regarding notice and decision-making on pending termination actions for non-tenured faculty.

There are two statutes which support this motion. The first is MGL c. 15A § 22 which grants the board the authority to dismiss all personnel of the university. The second, MGL c. 73 §1, allows the board to delegate its powers (with the exception of its authority to set tuition and student fees, and to set the time and place of its meetings and the manner of giving notice) to officers of state universities.

This motion would eliminate the need for time sensitive matters to come before the board and would affirm the president's, and his/her designees, ability to attend to the administrative necessities pertaining to non-tenured faculty terminations.

**MOTION**

That the Executive Committee of the Board of Trustees of Salem State University, state, restate, confirm and ratify the delegations of the Board’s powers pursuant to G.L. c. 15A, 22, to the president of the University to make certain personnel determinations, as referenced in law and collective bargaining agreements, specifically, to provide notice and to non-renew and/or terminate non-tenured faculty of the University.

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Committee Assigned:

Committee Action:

Date of Action:

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Trustee Action:

Trustee Approval Date:

Effective Date:

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Signed: \_\_\_\_\_

Title: Secretary of the Board of Trustees

Date: \_\_\_\_\_